IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1046 OF 2005
IN
WRIT PETITION NO.5886 OF 2004

Jaybhavani Sahakari Bank Ltd. & Anr. ..Applicants.

V/s.

Naresh N. Agarwal & Anr. ..Respondents.

Mr.Sarang Aradhaye for R.V.Govilkar for applicants.

Mr. P.S.Dani for respondent No.1.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 22, 2006.

P.C. :

1. Heard. Request made in this application cannot be acceded to. This is so because, the principal issue involved in the writ petition No.9032 of 2003 is about the authority to invoke provisions of Section 101 of the Co-operative Societies Act, inspite of the mandate of Debt Recovery Tribunal Act. If that issue is answered against the applicants then the recovery procedure adopted by the original writ petitioner will not be available, in which case, the action will have to be treated as nullity. All these related issues can be considered in writ petition No.9032 of 2003. In the circumstances, it is not possible to delink the present matter from the said

writ petition. Hence this application is dismissed.